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The Challenge of the Critical Century

By ELVIS J. STAHR, JR.

EDITOR'S NOTE: Address delivered at the annual meeting of the Kentucky State Bar Association, April 6, 1949, by Dean Elvis J. Stahr, Jr., University of Kentucky College of Law.

Mr. President, Distinguished Members of the Bar:

I am deeply grateful for the high honor of being invited to address the Kentucky State Bar Association. It is a *personal* thrill to me because two of my deepest loyalties are to the legal profession and to my native state. However, I am fully sensible of the fact that it is not as an individual, but rather as the new dean of the University of Kentucky College of Law, that I have been given a place on your program, and on behalf of the college, I thank you. And I hope you will meet some of our other staff members, all of whom are attending this convention.

It is my hope in what I shall say this morning, as in *all* that I shall say and do in the years ahead, to serve to the limit of my capacity the best interests of the legal profession, the State of Kentucky, and the University of Kentucky. For the University itself is *dedicated* to the service of the state, and the College of Law to the interests of the legal profession. We have no other excuse for being—and you have no other reason for paying the salaries of our professors and the tuition of our students, as every one of you in fact *is* doing through your taxes. We do not propose to be unworthy of your support in *any* case, but I should like to take this opportunity to invite your help and interest in other ways.

We need your help, and we offer you ours, in working for the good of the profession and the public. To mention a few things specifically: We want you to send us good students, good lawyer-material. We would have a poor basketball team if we didn't get good material; we will have poor lawyers if we do not get good material. You can help.

We want your help in the continuous study and improvement of the administration of justice in this state.

We want to work with you in those fields where law reform is needed.

We need your help in fighting for the maintenance and improvement of *standards* of legal education and admission to the bar, in preserving the basic concept that the law is a learned profession, not just a technical vocation.

We want to work with you in the maintenance of high ethical standards in the profession.

We need your help in seeing that our young graduates find opportunities to practice in *Kentucky*. Many of the best ones since the war have taken salaried jobs with the federal and state governments because they didn't happen to know of some good lawyer to "hook up with" who himself needed a young lawyer in his office, or some community that had an opening for a young lawyer. Many

of those same boys would have gladly accepted much less initial remuneration if they could have gone directly into private practice. You can help by letting us *know* of such opportunities—if you'll write me this year, or in future years, I'll give you frank estimates of the quality of some of our seniors who are at the time interested in an opening.

You will be interested to know that although the College of Law, like most other law schools, has had big enrollments since the war, we still haven't graduated nearly as many men in the past *ten* years as we would have, in the normal course of events, had there been no war. But the competition among the younger lawyers is going to be quite keen for a while, and the emphasis should now be shifted from the *quantity* to the *quality* of the young men drawn into the profession.

We hope every lawyer in the state will *interest* himself in legal education, which is one of the most important concerns of the legal profession. Great strides have been made, *are* being made. You would be interested in them. Good law schools today do not bear much resemblance to the law schools of twenty and forty years ago. Yet much of our time is *still* spent in planning how better to utilize the three short years of professional preparation the student has before he joins the profession. You can help us. We know there is no *substitute for experience* at the bar—but we are convinced that many additional things can be done *in law school* to make that experience rest on a stronger foundation, to make it easier to acquire and more valuable when acquired.

Last week we sent to our alumni a report on what is going on and being planned at the College of Law. I should be glad to send a copy to any others of you who are interested in legal education in this state.

I'd like to tell you here just a few of the reasons why I am enthusiastic about legal education at Kentucky. I am sure that if my friend Ab Russell were talking to you, he would tell you some of the many fine things about his law school. I must necessarily confine myself to mentioning a few things about which *I* have the facts, and of course they relate to the college I represent. We are proud at Kentucky to have been able to bring together an exceptionally strong, well balanced faculty, composed of men who have practiced as well as taught. We are proud to have the sixth largest law library in the South, to have the tenth oldest law journal in the nation, to have the first accredited law school in the state, to be ranked by the Order of the Coif among the top third of all the accredited law schools in the nation, to have been the first law school in the nation to make a practice court an integral part of the curriculum. These are fine traditions—but we are of course *more* concerned with the present and *future*. We earnestly ask your co-operation and continuing interest; it is your law school and Kentucky's law school.

I have sought thus far to make it clear that we are deeply interested in *your* ideas. May I now take a few moments to suggest to *you* an idea that I believe deeply concerns the whole legal profession?

Our profession, our state, our nation, indeed all people everywhere, now need something from us that perhaps may seem above and beyond the call of duty, need in the years just ahead more from *all* of us than has ever been demanded of any generation of men.

For the years ahead are crucial. It is difficult at times to realize that we are *already* living in a new era, the postwar era—a new *age*, the atomic age—that we are in fact living in the *most critical century in the life of the human race*.

But unless we *do* quickly adjust our outlook and our thinking to these facts—unless we make our theory of action fit these facts—*unless* we rise to “the challenge of the critical century”—may God have mercy on us.

For the stakes are *tremendous*. Never before has man had so nearly within his grasp the power to destroy himself utterly. Never before has time been so truly of the essence.

There have been critical centuries before. The first century after the crucifixion of Christ was critical. Would Christianity survive? *It did* survive—but only through the *courage* and the *vision* and the *leadership* of a relatively small group of early Christians.

The century before the fall of Rome was critical. And the *loss* of courage and of vision and of leadership plunged the western world into a thousand years of darkness.

The century from 1775 to 1875 was critical. Could a *nation*, a *great* nation, be founded on untried political foundations—be “conceived in liberty and dedicated to the proposition that all men are created equal,” be launched on the thin edge of a new continent with an ocean at its back and a wilderness at its front—could it be thus born, and flourish? *It was* thus born—but *only* through the *courage*, the *vision*, and the *leadership* of a relatively small group of American Revolutionaries. *It did* flourish—but *only* through the *courage* of a relatively small group of *pioneers*—and the *vision* of a backwoods lawyer.

Yes, there have been other critical centuries—yet I repeat that never in the history of civilization has there been a century *so* critical as the twentieth will prove to be. With this solemn statement surely no thinking man on earth has disagreed since August, 1945. Why? Because *everything* is at stake—all we know and

cherish—our progress, our culture, our freedom, our civilization, indeed our very *survival* as rational beings and children of God.

Let's put this critical century in such perspective as we briefly can. About 1900, the people of America began to realize that their physical frontier was gone, that the industrial revolution was indeed a revolution, and that their nation was a power on the earth. In 1917, it was seen by all the world that *war* could not be localized. In 1918, a new concept of the *state* hit the world with dramatic impact and there arose a powerful ideological rival to the still-young western ideal of individual liberty and representative government. Call it black fascism or Red fascism—*totalitarianism* was rapidly to split the world asunder.

In 1930 the American people began to realize that *their* economic system was not impregnable, that their resources were not unlimited, that adjustments must be made, that wilderness trail-blazing and urban mass production were *not* so closely akin that *individualism* could be applied in exactly the same way to the two situations. In 1940, the American people began to realize that their problems were no longer *isolated*—and could never be again.

Then, in 1945, the machine age, and the age of electricity, moved suddenly into the *atomic* age.

And now—we must recognize that we stand on the threshold of disaster—that the answers to the greatest problems of all history *must* now be found, and quickly, or it will forever be too late. *That* is the challenge of this critical century!

What are the odds?

They are heavily against us, in my judgment, unless there shall emerge again in this country a *group of men* with the *courage* and the *vision* and

the *leadership* that are always imperatively needed in critical times.

We start with perhaps three handicaps.

Because it was clear in the thirties that *united action* through the body politic was needed to lick the great depression, we almost swung to the extreme of assuming that *individualism* was something henceforth to be scorned. Yet we certainly must not now swing *back* so far as to assume that *united action* is to be scorned.

Because it was clear in the forties that *united nations* were essential to obliterate the specter of war, we almost carried too far the notion that the protection of our own great institutions might henceforth be submerged in an effort to compromise with an uncompromising enemy of those institutions. Yet we must not now swing *back* so far as to assume that those institutions are perfect—and that anyone who criticizes and pleads for strengthening them is necessarily an enemy!

The cornerstone of all those institutions is justice. The strengthening at home of the administration of justice, in the legal, the moral, and the social sense, is just as essential in this critical century as is resistance to totalitarianism abroad. Both are *indispensable*, if we are not in the end to capitulate.

Our third handicap is a sort of weariness. We have *already* risen to many challenges: We licked the great depression; we won a grim-visaged war that wrecked half the world; we created a weapon more fearsome than any ordinary man had ever dreamed of; we invited the remnants of the world to join us in a United Nations to put an end to war for keeps; we offered to give up to that United Nations that fearsome weapon; we disbanded most of our war machine; we offered help in reconstruction to friend and foe alike; we doubled the

size of our universities; we created sixty million well-paid jobs. . . . And then we woke up—not so many months ago—and found we hadn't done enough! We couldn't sit back and relax after all. We weren't living in merely a critical *decade*—we were living in a critical *century*!

It's a bitter thing not to be able to take a hard-earned rest. It's a bitter thing to be challenged to harsh new tasks when we thought we had accomplished so much already. It takes *courage* to live in a critical century and win through! And it takes *unselfishness* to have *vision* and to furnish *leadership*. Do we have those qualities still?

Not *all* Americans do just now, I am afraid. Many indeed are those who will not *face* the atomic age—who refuse to accept that we must be *pioneers* again. Greater yet is the number who have the *courage*, but who *lack the vision and the leadership*—who know the challenge is here but know not how to meet it—and hence try to forget it exists. The task ahead is not as simple as enduring physical torture in testimony of religious faith; it is not as simple as fighting Indians, stalking grizzly bears, and building railroads. The task ahead is the far harder, far more complex one of finding truth, fighting ideas with finer ideas, revitalizing democracy—averting Armageddon!

And where are we to look *this* time for that relatively small group of men who can *lead* in the task, who *have* the qualities that have always been essential in critical centuries?

If these men are to arise, they are already among us; for it will be too late if we wait for the *next* generation to face the challenge. I hope our law students are acquiring a sense of the responsibilities of our times, but we cannot wait even for them and *their* contemporaries. *Where are these men?*